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EX(3) 4
Appeal

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37 C.F.R. § 1.8

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

February 20, 2003
Date

T. Clark Moore
Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL L. NUCCIO
ANDREW D. HANSON
SUSAN A. HENRY

Serial No.: 09/525,885

Filed: March 15, 2000

For: POLYNUCLEOTIDE COMPOSITIONS
ENCODING S-ADENOSYL-L-
METHIONINE:PHOSPHOETHANOLAMINE
N-METHYLTRANSFERASE AND
METHODS FOR MODULATING LIPID
BIOSYNTHESIS IN PLANTS

Group Art Unit: 1638

Examiner: Elizabeth F. McElwain

Atty. Dkt. No.: 4300.012700

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

BOX AF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed August 20, 2002, concerning claims 1-26, 39-42 and 77-98, in which claims 1-7, 9-13, 39-42, 77-83, 94 and 95 were finally rejected, and claim 8 was objected to.

The fee for filing this Notice of Appeal is \$160 and is attached hereto.

02/26/2003 JBALINAM 00000084 08525885

01 FC:2401

160.00 OP

02/26/2003 JBALINAM 00000085 09525885

01 FC:2253

465.00 OP

Also, a request for a three month extension of time to respond is included herewith. The extension fee is included in the attached check with the Notice of Appeal fee. This three month extension will bring the due date to February 20, 2003. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4300.012700.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



Date: February 20, 2003



23720

PATENT TRADEMARK OFFICE

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